

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the fourth day of January in the year of Our Lord two thousand and five.**

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Volume 132, No. 21

Wednesday, March 2, 2005

Twenty-first Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:19 o'clock P.M.

The roll is called and a quorum is declared present with 31 Senators present and 7 Senators absent as follows:

**PRESENT** – 31: The Honorable President Montalbano and Senators Algieri, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

**ABSENT** – 7: Senators Alves, Bates, Doyle, Lanzi, Metts, Pichardo, Sheehan.

**INVOCATION**

The Honorable President, by unanimous consent, presents Senator McCaffrey, to deliver the invocation.

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Honorable President, by unanimous consent, presents Senator McCaffrey, to lead the Senate in the pledge of allegiance to the flag.

**APPROVAL OF RECORD**

The Senate Journals of Thursday, February 17, and Tuesday, March 1, 2005 proceedings are read in part.

Upon suggestion of Senator McCaffrey, and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

COMMUNICATION

The Honorable President presents the following communications:

March 1, 2005

Honorable Joseph A. Montalbano  
President of the Senate  
318 State House  
Providence, RI 02903

Dear President Montalbano:

Please accept this letter as notification that I will be out of state on Wednesday, March 2, 2005. I will be attending a business meeting for work in Lebanon, New Hampshire, therefore unable to attend Senate Session on that particular day.

There is also a possibility my business meeting will continue on Thursday, March 3, 2005. In this case, I will once again be absent from Senate Session. Please know I will be home in time to attend your event to be held on Thursday evening.

Thank you.

Sincerely yours,  
James E. Doyle, II  
Senator – District 8  
Pawtucket

Read an ordered to be placed on file.

Also:

March 3, 2005

The Honorable Joseph A. Montalbano  
President of the Senate  
Room 318A, State House  
Providence, RI 02903

Dear Mr. President:

Please be advice that I will be out of the country during the week of February 28 through March 4, 2005 and thus, will be absent from any and all Senate sessions held during that week. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,  
David E. Bates  
DEPUTY MINORITY LEADER

Read an ordered to be placed on file.

Also:

March 1, 2005

The Honorable Joseph A. Montalbano  
President of the Senate  
Room 318A, State House  
Providence, RI 02903

Dear Mr. President:

Please be advice that I will be absent from the Senate Session on Wednesday March 2, 2005, due to illness.

I would appreciate your recording of my letter in the appropriate Senate Journal.

Sincerely,

Michael J. Damiani  
State Senator District 18

Read an ordered to be placed on file.

**FROM THE HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage, of the following measures:

**House Resolution No. 5822**

**BY** Jackson, Crowley, Long

**ENTITLED**, JOINT RESOLUTION THANKING GLENN ROSE FOR HIS 34 YEARS OF DEDICATED AND DEVOTED SERVICE TO THE BOYS AND GIRLS CLUB OF NEWPORT COUNTY.

Read and ordered to be placed on the Consent Calendar.

Also:

**House Bill No. 5573**

**BY** Landroche, Williamson

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- HAWKERS AND PEDDLERS (West Warwick to enact ordinances which regulate the issuance of hawker/peddler licenses).

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 5821**

**BY** McNamara

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

**NEW BUSINESS**

**Senate Bill No. 860**

**BY** Senator Breene

**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- EXETER.

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**Senate Resolution No. 861**

**BY** Senators Perry, Goodwin, Levesque C, Connors

**ENTITLED**, SENATE RESOLUTION URGING RHODE ISLAND'S COLLEGES AND UNIVERSITIES TO COMMIT TO THE PURCHASE OF RENEWABLE ENERGY.

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**Senate Resolution No. 862**

**BY** Senators Sheehan, Cote, Raptakis

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE AMENDMENTS.

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**Senate Bill No. 863**

**BY** Senators Ruggerio, Paiva-Weed, Tassoni, Doyle, DaPonte  
**ENTITLED**, AN ACT RELATING TO REGISTRATION OF VEHICLES.

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**Senate Bill No. 864**

**BY** Senators Gallo, Fogarty P, Levesque C, Walaska, Felag  
**ENTITLED**, AN ACT RELATING TO EDUCATION -- CURRICULUM.

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 865**

**BY** Senators Sosnowski, Paiva-Weed, Ruggerio  
**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 866**

**BY** Senator Gallo  
**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 867**

**BY** Senator Polisena  
**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 868**

**BY** Senators Gallo, Fogarty P, Walaska  
**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND  
INSTALLATION OF SYSTEMS.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 869**

**BY** Senator Perry

**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 870** (General Treasurer)

**BY** Senators DaPonte, Raptakis

**ENTITLED**, AN ACT RELATING TO MILITARY SERVICE AND VETERANS.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 871**

**BY** Senators Polisena, DaPonte, Connors, Ciccone

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 872**

**BY** Senators Breene, Algieri

**ENTITLED**, AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 873**

**BY** Senator Walaska

**ENTITLED**, AN ACT RELATING TO INSURANCE - LIFE SETTLEMENTS ACT.

Read and referred to the Senate Committee on Financial, Technology and Regulatory Issues

Also:

**Senate Bill No. 874**

**BY** Senator Walaska

**ENTITLED**, AN ACT RELATING TO INSURANCE - NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 875**

**BY** Senators Polisena, Tassoni

**ENTITLED**, AN ACT RELATING TO INSURANCE.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 876**

**BY** Senators Sosnowski, Felag, Polisena, Paiva-Weed, Levesque C

**ENTITLED**, AN ACT RELATING TO DIVE ACCIDENTS.

Read and referred to the Senate Committee on Health and Human Services

Also:

**Senate Bill No. 877**

**BY** Senator Perry

**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 878**

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SUSPENSION OR REVOCATION OF LICENSES.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 879**

**BY** Senators Perry, Sosnowski, Pichardo

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- SAFE ACCESS TO MEDICAL AND RELIGIOUS FACILITIES ACT.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 880** (Attorney General)

**BY** Senators DaPonte, McCaffrey, Walaska, Gallo, Connors

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 881**

**BY** Senators Pichardo, Connors, Gallo, Issa, Goodwin

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- GENERAL PROVISIONS.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 882** (Secretary of State)

**BY** Senators Pichardo, Gallo, Levesque C

**ENTITLED**, AN ACT RELATING TO ELECTIONS.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 857**

**BY** Senator Tassoni

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR.

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Walaska and Fogarty.

The act is read and passed, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Algieri, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lenihan,

Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Resolution No. 883**

**BY** Senators Ruggerio, Montalbano J, McBurney, Ciccone, DaPonte

**ENTITLED**, SENATE RESOLUTION PROCLAIMING MARCH 6 - 12 AS NATIONAL PROBLEM GAMBLING AWARENESS WEEK.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Caprio.

The resolution is read and passed, upon a voice vote.

Also:

**Senate Resolution No. 884**

**BY** Senators Ruggerio, Ciccone

**ENTITLED**, SENATE RESOLUTION HONORING EDWARD DIRISSIO ON HIS RETIREMENT AFTER MORE THAN FORTY-FOUR YEARS OF DEDICATED SERVICE TO LOCAL UNION 271.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Caprio, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

- 1** Reappointment of James R. Carlson of Foster to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

- 2 Reappointment of Wilbur E. Yoder, AIA, PE of East Greenwich VICE Andrew Yates to the board of Registration and Examination of Architects for a term expiring April 1, 2009.
- 3 Reappointment of Dana Newbrook of Cumberland to the board of Registration and Examination of Architects for a term expiring April 1, 2009.
- 4 Reappointment of Denise A. Barge of Cranston to the Rhode Island Housing and Mortgage Finance Corporation for a term to expire July 1, 2008.

### CALENDAR

#### IN ORDER FOR WEDNESDAY, MARCH 2, 2005:

**1 2005-S 151 SUB A**

**BY Walaska**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION  
AND PRACTICES

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Walaska moves passage, seconded by Senators Felag, Issa and Gallo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**2 2005-S 210 SUB A**

**BY Walaska**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- CONTINUING  
EDUCATION REQUIREMENTS

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Walaska moves passage, seconded by Senator Gallo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### STATE OF THE JUDICIARY

The Honorable President appoints Senators McCaffrey and Connors to escort the Honorable Frank J. Williams, Chief Justice of the Rhode Island Supreme Court, to the rostrum.

The Senate attends.

President Montalbano introduces the Honorable Chief Justice to address the members and their guests.

The Honorable Chief Justice addresses the members and their guests.

(For remarks, see Appendix, this Journal.)

### GUESTS

Upon suggestion of Senators Paiva-Weed, Algieri, McCaffrey, Caprio, and McBurney and by unanimous consent, the Honorable President welcomes to the Chamber members of the Judiciary from the Supreme Court, Superior Court, Family Court, District Court, Workers' Compensation Court, and the Traffic Tribunal as well as, members of Chief Justice Williams' cabinet.

### ANNOUNCEMENTS

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Roberts announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Ruggerio, the Senate adjourns at 4:55 o'clock P.M. in memory of Lydia M. Rivera.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR MICHAEL J. MCCAFFREY**

Lord, we ask you to show us our place in this chamber, to define our duties, to direct our energies for the common good, and to always guide us as we work. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR THURSDAY, MARCH 3, 2005:**

**1 2005-H 5822**

**BY Jackson**

**ENTITLED,** JOINT RESOLUTION THANKING GLENN ROSE FOR HIS 34  
YEARS OF DEDICATED AND DEVOTED SERVICE TO THE  
BOYS AND GIRLS CLUB OF NEWPORT COUNTY

Ordered to be placed on the Consent Calendar

**Appendix**

**CALENDAR**

**IN ORDER FOR THURSDAY, MARCH 3, 2005:**

- 1 Appointment of A. Michael Marques of Coventry VICE Marilyn Shannon McConaghy as Director of the Department of Business Regulation.

Committee on Financial, Technology, Regulatory recommends that the Senate give its Advice and Consent to this appointment.

**Chief Justice Frank J. Williams  
State of the Judiciary Address  
Rhode Island Senate  
March 2, 2005**

**Building a History of Justice and a Legacy of Independence**

Thank you.

President Montalbano, Majority Leader Paiva-Weed, Minority Leader Algieri, honorable members of the Rhode Island Senate, my esteemed colleagues from the Rhode Island Judiciary: it is an honor and a pleasure to appear before you to deliver my fourth annual State of the Judiciary.

In 1788, a group of men gathered in Philadelphia to build the framework for the great American experiment. Among the delegates was Alexander Hamilton, who in Federalist Paper 78 stressed the importance of an independent judiciary. Judges, he said, would require great fortitude to act as the faithful guardians of the courts of justice. **Hamilton understood that government would become too weak - or too strong - without an independent judiciary to interpret the laws, decide controversies, and enforce individual rights.**

Through our state's history, we have endeavored to build within this framework a judiciary which would honor, preserve, and promote what I call the last refuge of democracy.

Now, I know not everyone agrees with my style, some say I am too visible, too vocal, too willful, too impatient. Well, maybe they have a point ... but this is who I am. I have never wavered in my commitment to serve with honor or in my belief that the citizens of our state have the right to demand access to our courts and the services we provide.

We have achieved much since I was honored to take the oath of office on February 6, 2001.

These achievements were possible because of your willingness to listen and consider our priorities, and because of the hard work of my fellow judges and judicial staff.

At that time, I said the Judiciary needed to concentrate on improving accessibility, technology, infrastructure, education, and outreach. The state of the judiciary this year seems an appropriate time to look back over the past four years - to measure our accomplishments against those earlier goals. A time for an accounting, a report card of sorts on what we have achieved and the challenges we still face.

We continue to make justice accessible by responding to changes in our population.

- We have expanded mediation to the appellate level with 36% of cases successfully mediated.
- We have instituted problem solving courts - for business litigation, troubled kids, truant students, and substance abusers.
- An instructional video, free parking, and a reduced service requirement make jury service less burdensome.

- And we have added six new Spanish speaking interpreters to help non English speaking litigants, witnesses, and court users.

We have modernized the Judiciary's outdated and inefficient computer system.

- Do you remember when I first came to you asking for help with replacing our antiquated WANG system? Well, thanks to you, the first court switches over to the new system this month and other courts will soon follow. The project will be completed by January 2006.
- Already, criminal information is available through the Internet.
- On the topic of websites, I took some ribbing about my short lived personal site, but certainly more noteworthy is the award winning judicial website - updated in design and format, making it easier to navigate and read.
- The Judiciary, in concert with the Department of Corrections, and the Department of Administration, have worked to expand the use of video conferencing. District Court is already reaping the benefits of this technology and future use should alleviate overcrowding in court cellblocks and reduce security risks and expenses incurred in transporting prisoners from the ACI.
- Modernizing the State Law Library will enable us to cancel some subscriptions - saving \$100,000 a year.

We have made significant strides in reaching school children.

- Our K-12 legal education curriculum called *Justice Rules*, teams attorneys and judges with teachers and classrooms to build positive relationships with students, to encourage kids to explore careers in the Judiciary, and to teach them about the judicial system. *Justice Rules* now reaches close to 50,000 school children across the state.
- Our *Operation Phoenix* initiative donated refurbished computers to schools in Woonsocket, Central Falls, and Pawtucket.
- Members of the judicial family donated over 1,500 books to classrooms and libraries in schools with the greatest need.
- A partnership with Providence College's advanced language department gives students credit for evaluating French and Spanish translations on our judicial website.

We have built community relationships through an ambitious outreach program.

- A new televised Citizens' Summit encourages dialogue on judicial issues. Our first program - aired on Channels 36 and 12 - invited parents, teachers, and students to discuss Truancy Court and its benefits for our children.
- The Supreme Court continues to hold sessions in the community, traveling to the Portsmouth and Westerly High Schools this past year and sitting at Bryant University in Smithfield next month.

- For the past two years, as part of our efforts to reach the state's fastest growing minority population, our judges have taken calls on Spanish radio.

In the past, court buildings were unfit to accommodate the demands placed upon them. That is changing.

- With full control over all judicial buildings including heating, ventilation, and air conditioning, there is a more efficient regulation of our resources.
- The new Kent County Courthouse is an architectural masterpiece. We anticipate moving in by December of this year.
- We are moving forward with plans for a courthouse in Northern Rhode Island. Next year, the certificates of participation will be ready for your review and hopefully approved.
- Although the Garrahy Judicial Complex remains crowded, the staircases are now open, reducing elevator congestion.
- The schematics and elevations for a new Traffic Tribunal have already been approved and groundbreaking should be this June with expected completion in the Fall of 2006. The new facility will be located at the entrance to the John O. Pastore Government Center.

Our courts are busier than ever. In just the last three years, our caseload has jumped 9 percent - 233,000 cases disposed of in 2004 – yet, we continue to hold our spending to only 1.3% of the state's entire budget.

And for the third year in a row, we will not request a supplemental budget.

Our requested Fiscal Year 2006 budget is once again frugal - we ask only for a modest increase of \$900,000 to maintain current services.

This legislative session, we mark the implementation of a new budget protocol that safeguards judicial independence. This initiative reflects true separation of powers – placing with the Legislative Branch, rather than the Executive Branch, the authority to allocate funds for the Judiciary.

Unfortunately, the Governor's office failed to comply with the new protocol and adjusted our budget request before passing it to you - throwing our budget into a \$3.2 million dollar shortfall. We look to you to adjust this appropriately.

Motivated by our desire to draw clear lines separating the three branches of government, we are seeking to transfer some programs out of the Judiciary to the branch of government where they belong.

Simply stated, it is inappropriate for the Judiciary to continue performing some of the functions currently assigned to it. We are asking that the administration of indigent defense, management of witness fees, oversight of the Domestic Violence Unit, and supervision of the Fugitive Task Force be transferred out of the Judicial Branch.

This request means transferring 10 full-time positions and the accompanying funding out of the Judiciary. I know that giving up a multi-million dollar program, 10 jobs, and control over some

governmental functions may appear politically naïve. But frankly, I don't care. This is what's right. This is what's honorable. And this is what the citizens deserve.

We continue to cultivate new ways to serve with justice, independence, and honor.

A planned Center for Court Innovation will promote programs to improve our courts and to build on the already strong foundations of leadership, community partnerships, efficiency, and accessibility.

Mindful that the success of our Judiciary is measured not only by disposition rates but also in real human terms, we are exploring ways to serve effectively and efficiently with compassion.

Among the initiatives being considered - a statewide, integrated Domestic Violence Court.

In Family Court, where the judicial tasks are often heartbreaking, we are seeking to appoint two new mediators to handle issues involving child custody and termination of parental rights. Children should never be held hostage by prolonged and hostile litigation.

We will be building on the success of our court interpreter program by requesting two new interpreters – one who speaks Portuguese and Cape Verdean and one who can communicate with members of Rhode Island's growing Southeast Asian community.

We are continuing to implement new programs which take advantage of new technology. Computer links between the Judiciary and the law enforcement community will allow victims to access information about their cases.

In the near future, your constituents will be able to watch gavel-to-gavel coverage of high profile trials from their living rooms. School students can witness trials in their entirety instead of in ten second sound bites.

Drawing on our Judiciary's rich past, we are creating a Judicial Living History exhibit. This traveling exhibit will feature:

- original handwritten documents from cases involving Native Americans and the original settlers,
- the 1718 coroner's inquest into the state's first malpractice case, and
- the 1845 execution papers for the last prisoner hanged in Rhode Island.

Without question, we are grateful for the support that we have received from this Senate and the House of Representatives in the past, and we are certainly mindful of the fiscal constraints under which the state operates. We also know that the state benefit package is overdue for adjustment, and of course members of the Judiciary should expect to contribute to healthcare insurance premiums along with other state workers.

It is also time to look at salary adjustments for members of the Judiciary. This marks the third straight year without even a cost of living increase. The gulf that separates judicial pay from compensation in the private sector grows larger and larger. When adjusted for economic conditions, Rhode Island jurists are among the lowest paid in the nation - 43<sup>rd</sup>.

With the anticipated abolishment of the Unclassified Pay Plan Board, we created the Judicial Wage Review Committee to examine the issues surrounding judicial compensation. Justice Francis X. Flaherty chairs this committee which is made up of a cross-section of prominent Rhode Island citizens. I expect to receive its recommendations shortly.

I began this speech with a historical note, recognizing the continuum of our judicial system and the relatively small amount of time during which it is entrusted to us. Whether we can accomplish what we have undertaken depends on the ongoing collaboration between our three branches of government and the support of the public we serve.

Many of you accepted the invitation to our first Legislative Law Day and witnessed firsthand the work we do in the Judiciary. From video conferencing in Superior Court, heartbreaking juvenile cases in Family Court, arraignments in District Court, trials in Workers' Compensation Court, and even a brief tour of the cell block, you saw the challenges we face every day in our court system.

We intend to offer this opportunity bi-annually. Only by keeping the lines of communication open, can we hope to achieve a better understanding of our joint mission to serve the citizens of our state.

Brick by brick, program by program, person by person, the Rhode Island Judiciary is building a history of justice and a legacy of independence. And we continue to bridge our accomplishments of the past with honorable service to Rhode Island's future.

As John Quincy Adams said, "Standing at this point of time, looking back to that generation which has gone by and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experience of the past we derive instructive lessons for the future."

Thank you for this opportunity to address you. I look forward to working with you in the future. May

God bless you and the State of Rhode Island.